



APPLICATION ACCEPTED: October 24, 2012
BOARD OF ZONING APPEALS: January 16, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 9, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-DR-073

DRANESVILLE DISTRICT

APPLICANT: Carl A. Serger

OWNERS: Carl A. Serger
Suzanne M. Serger

STREET ADDRESS: 9201 Weant Drive, Great Falls, 22066

SUBDIVISION: Weant

TAX MAP REFERENCE: 8-4 ((3)) 35

LOT SIZE: 23,546 square feet

ZONING DISTRICT: R-E

ZONING ORDINANCE PROVISIONS: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit shed to remain 17.1 ft. from side lot line and to permit reduction in certain yard requirements to permit construction of addition 10.1 ft. from side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-DR-073 for the addition with adoption of the proposed development conditions contained in Appendix 1.

O:\gumk2\SP Cases\1-16) SP 2012-DR-073 Serger (50% and error)\SP 2012-DR-073 Serger Staff Report.doc

Laura Gumkowski

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

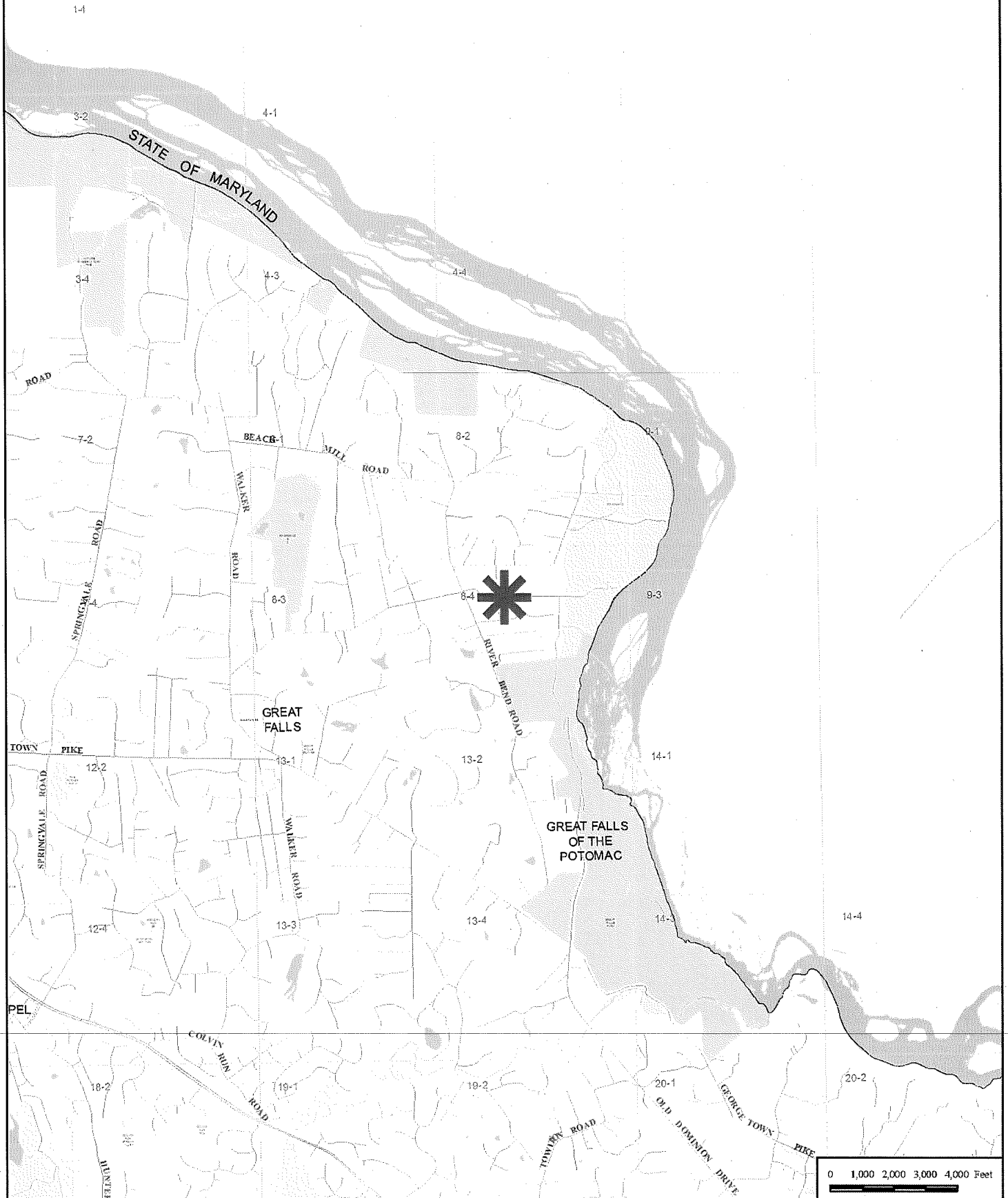


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2012-DR-073

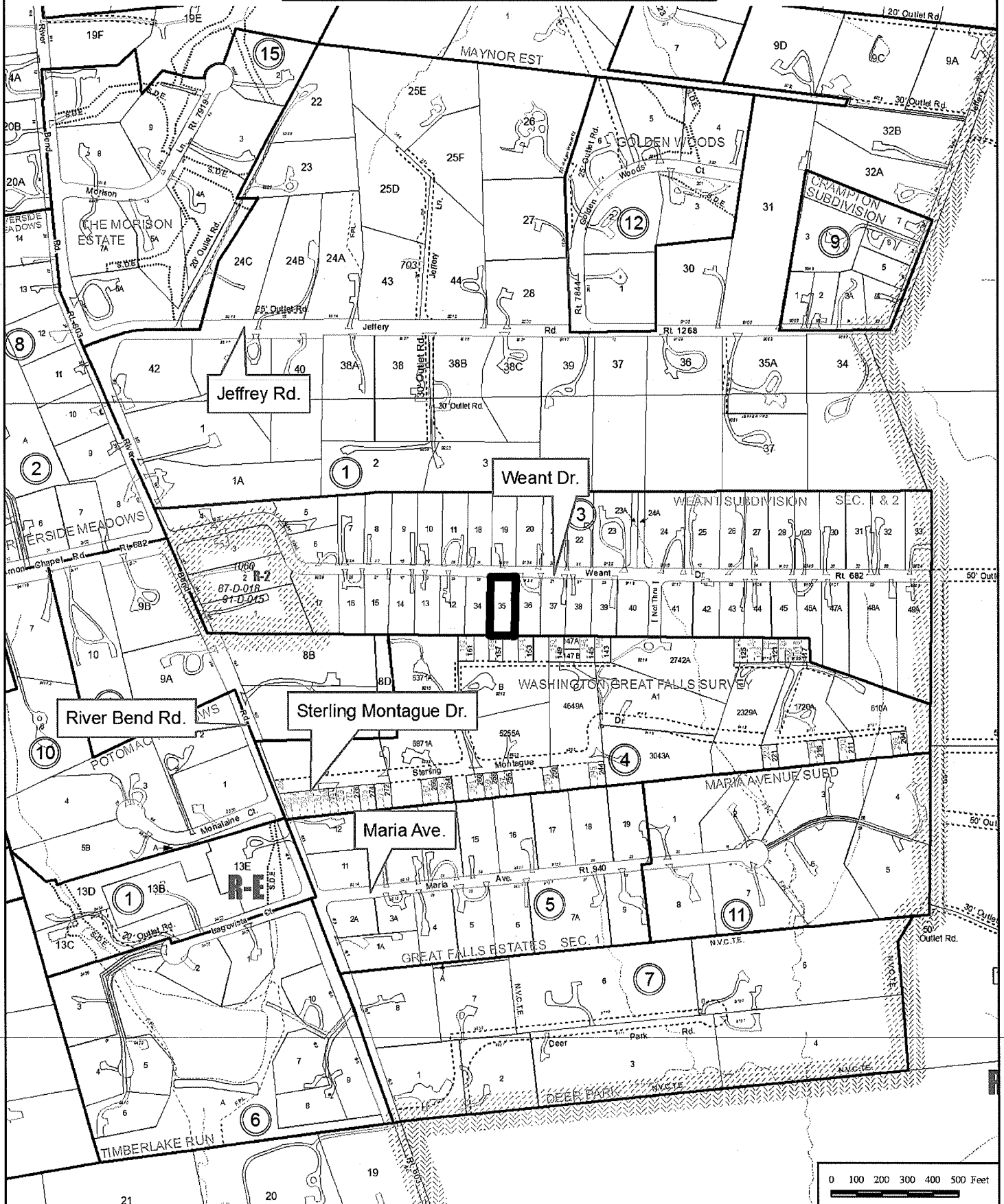
CARL A. SERGER



Special Permit

SP 2012-DR-073

CARL A. SERGER



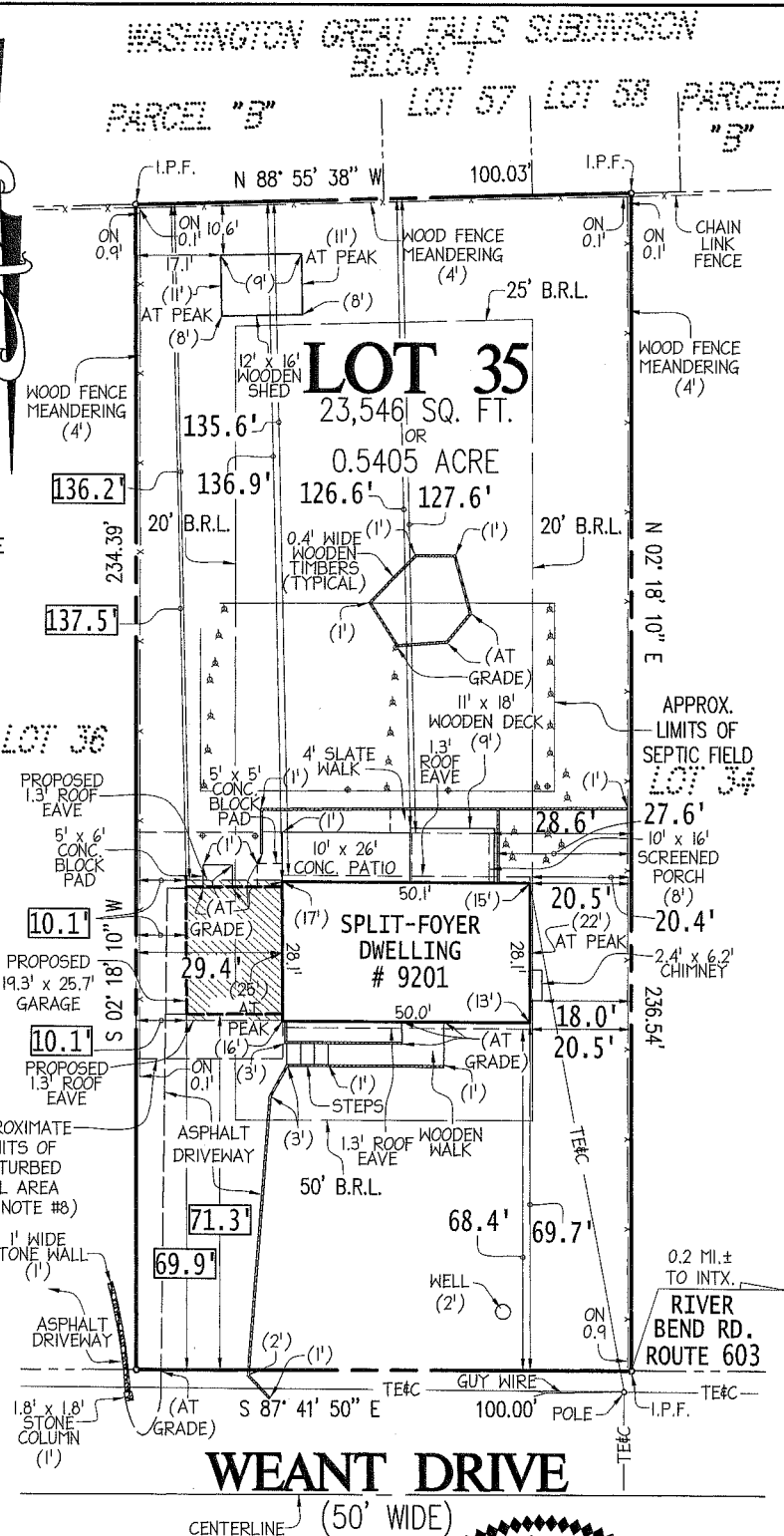
GROSS FLOOR AREA	
EXISTING: 1,400 SQ. FT.	PROPOSED: 496 SQ. FT.
EXISTING AREA DIMENSIONS: 28.0' x 50.0'	PROPOSED GARAGE DIMENSIONS: 19.3' x 25.7'
PROPOSED FLOOR AREA RATIO: 35.4%	

NOTES:

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.E.M.A. MAP# 51059C0045E EFFECTIVE DATE: SEPTEMBER 17, 2010
- 3) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 008-4-03-0035 ZONED RE.
- 4) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 1041, PAGE 117 (UNLESS NOTED OTHERWISE).
- 5) PROPERTY SERVED BY WELL AND SEPTIC SYSTEMS LOCATED ON PREMISES.
- 6) NO BURIAL SITES ON LOT PER RECORD PLAT.
- 7) NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE FEET OR MORE PER RECORD PLAT.
- 8) DISTURBED SOIL AREA IS APPROXIMATELY 1,343 SQ. FT.

LEGEND:

- I.P.F. DENOTES IRON PIPE FOUND
 -X- DENOTES FENCE LINE
 ⚡ DENOTES SEPTIC FIELD FLAG
 -T,E&C- DENOTES OVERHEAD TELEPHONE, ELECTRIC, AND CABLE LINES
 ⊕ DENOTES RED FLAG (DRAINFIELD)
 (1') DENOTES HEIGHT ABOVE GRADE
 B.R.L. DENOTES BUILDING RESTRICTION LINES
 1.0' DENOTES PROPOSED SWING
 ▨ DENOTES PROPOSED EAVE/GARAGE
- APPROXIMATE LIMITS OF DISTURBED SOIL AREA (SEE NOTE #8)
 1' WIDE STONE WALL (1')
 ASPHALT DRIVEWAY
 1.8' x 1.8' STONE COLUMN (1')



SPECIAL PERMIT PLAT

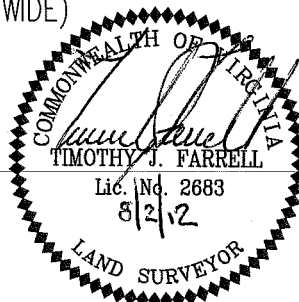
LOT 35

SECTION TWO

WEANT SUBDIVISION

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA



B.W. SMITH AND ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYING
 MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

FIELD CREW: D. CONRAD

REVISION: 9/11/12 (PROP. GARAGE, NOTES)

JOB# 20122248

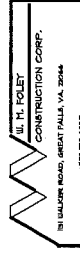
DFT: M.K.S.

CHK: T.J.F.

NO TITLE REPORT FURNISHED

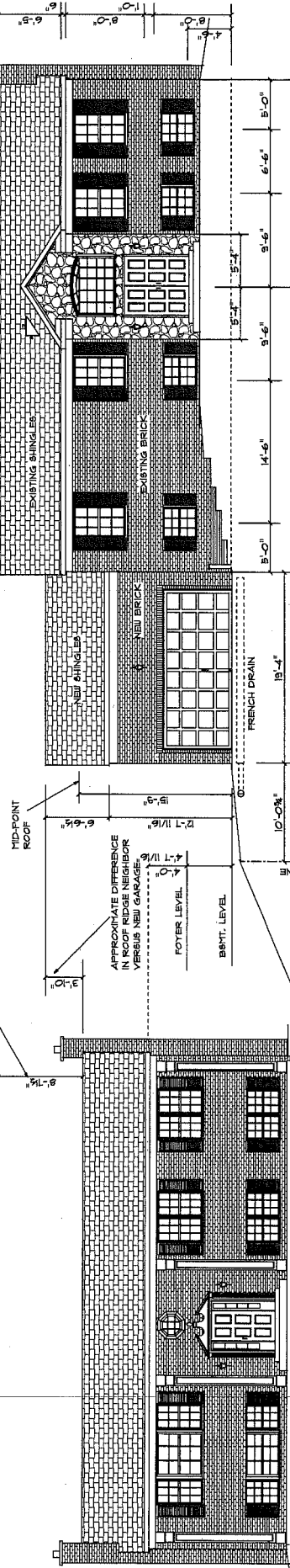
SCALE= 1" = 30'

DATE: 8/2/12



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APPROXIMATE DIFFERENCE IN MAIN ROOF RIDGE EXISTING



NEIGHBOR TO WEST
LOT 36

SERGER RESIDENCE
9201 WEANT DRIVE
GREAT FALLS, VIRGINIA
LOT 35

NEW FOYER
PLAN "D"

NEW RELATIONSHIP
BETWEEN HOMES

SCALE AT 1" = 11"
1" = 1'

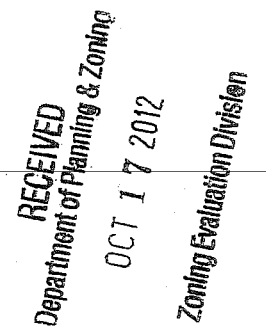
SHEET ___ OF ___

REVISIONS:
8/10/12 = 1 1/2 HR
8/16/12 = 1/2 HR
9/3/12 = 1/2 HR

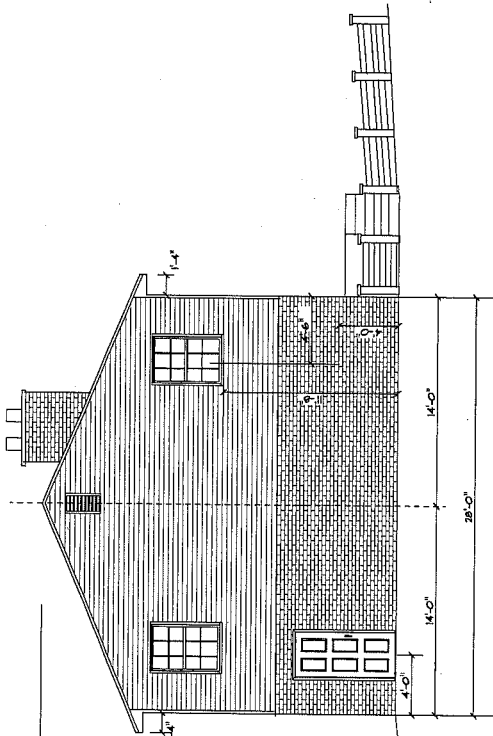
RECEIVED
Department of Planning & Zoning

OCT 17 2012

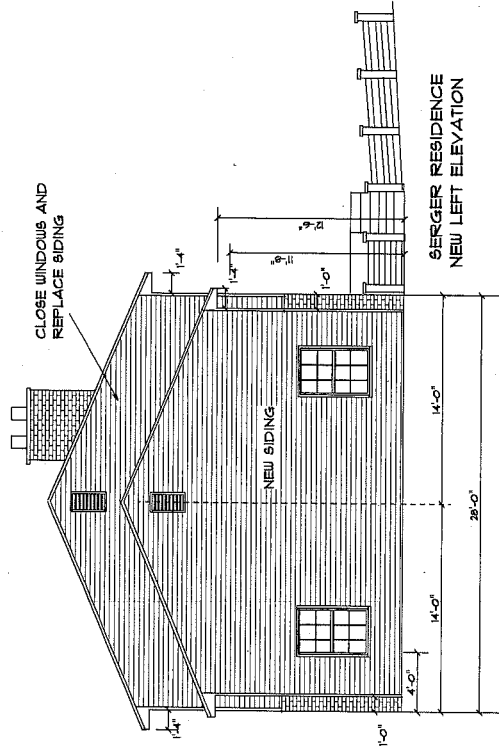
Zoning Evaluation Division



RECEIVED
Department of Planning & Zoning
OCT 1 1988



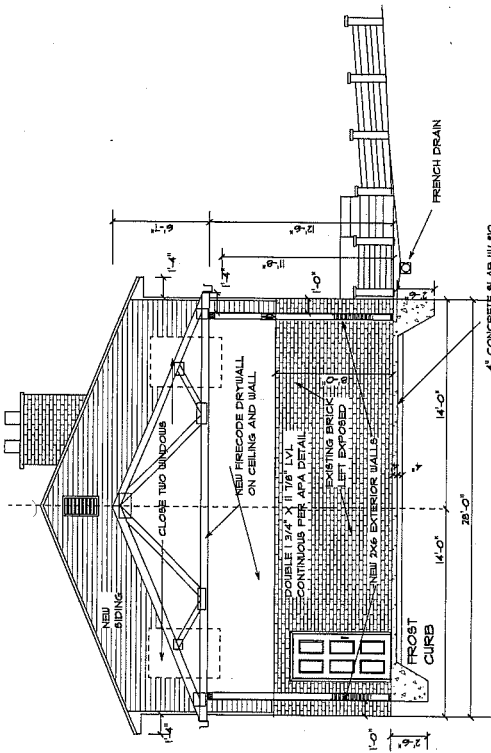
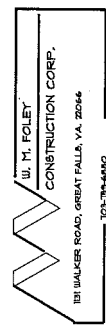
SERGER RESIDENCE
AS-16 LEFT ELEVATION



SERGER RESIDENCE
NEW LEFT ELEVATION

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- REVISIONS:
- 8/6/12 = 1.5 HRS
 - 8/7/12 = 1 HR
 - 8/8/12 = 1/2 HR
 - 8/9/12 = 1/2 HR

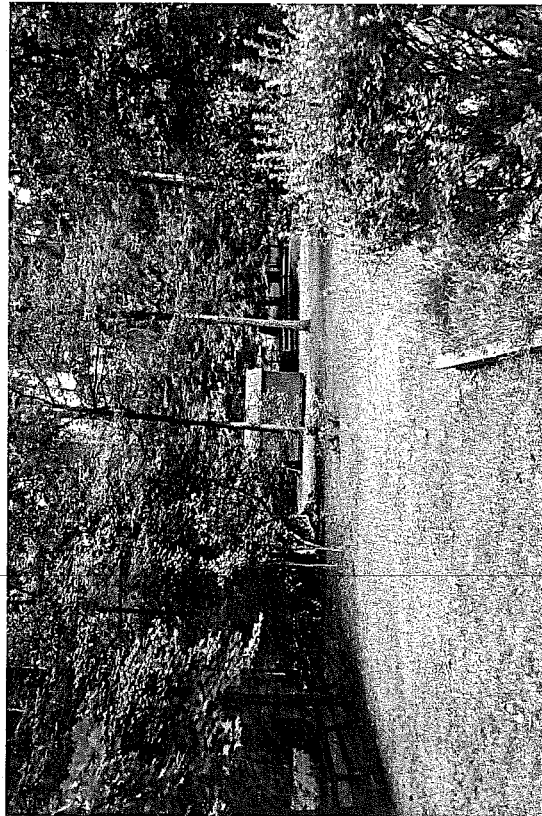
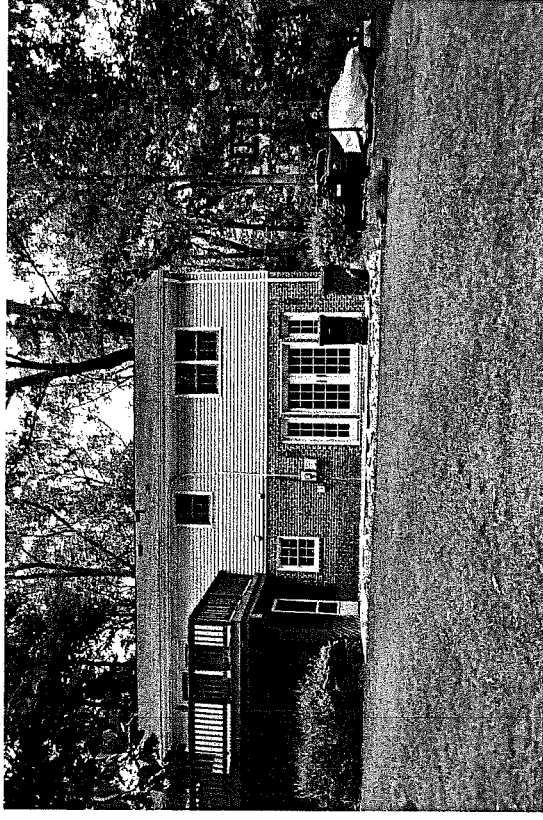


SERGER RESIDENCE
NEW SECTION A/A

RECEIVED
Department of Planning & Zoning
OCT 17 2012
Zoning Evaluation Division

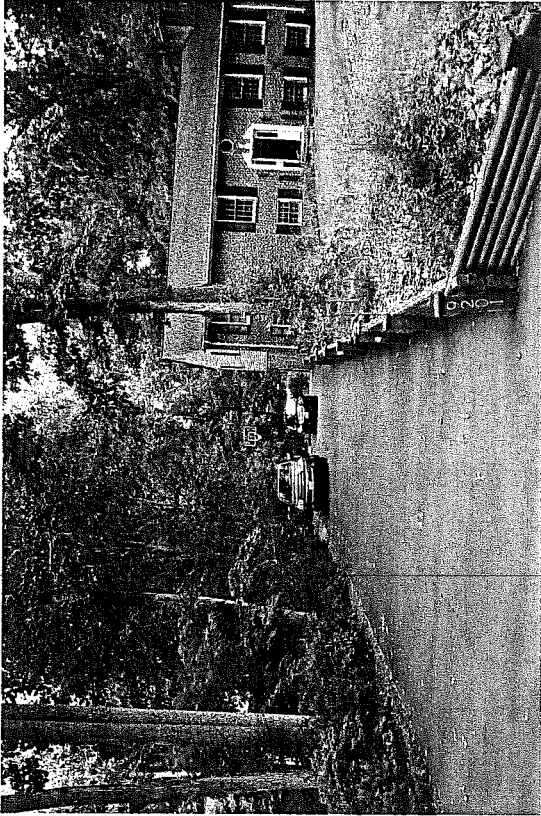


View of the rear (South) side of the subject property.



View from the rear (South) side of the subject property. The view of the home behind the subject property (9212 Sterling Montague Drive) is obscured by the foliage.





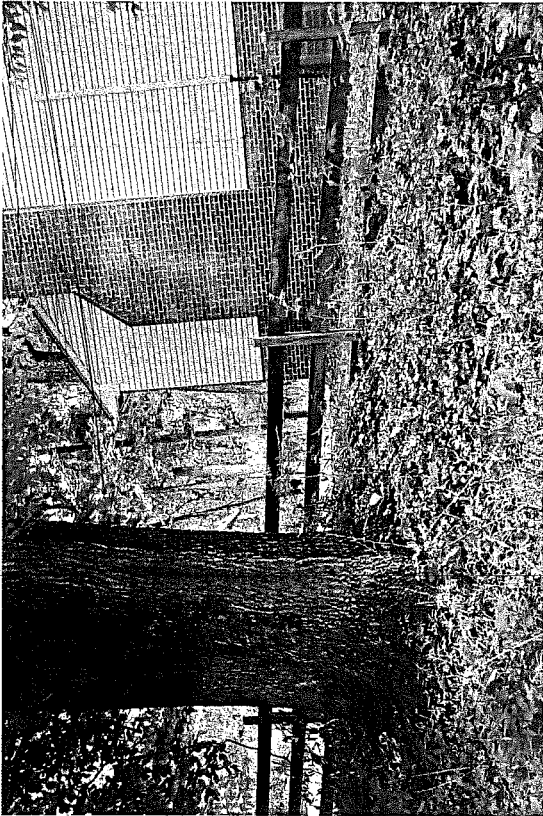
View of the front (north side) of the subject property. The picture on the left is taken from the street in front of the driveway. The picture on the right is taken from the street standing in front of the driveway at 9200 Weant Drive.



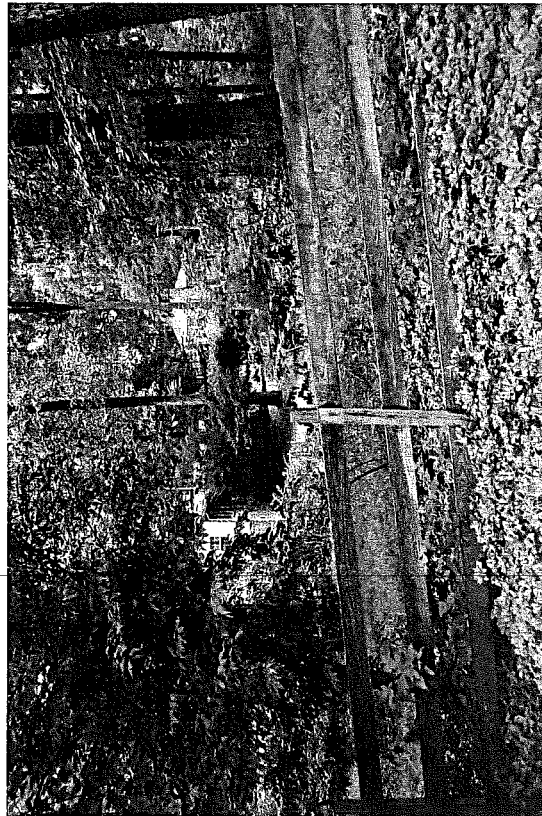
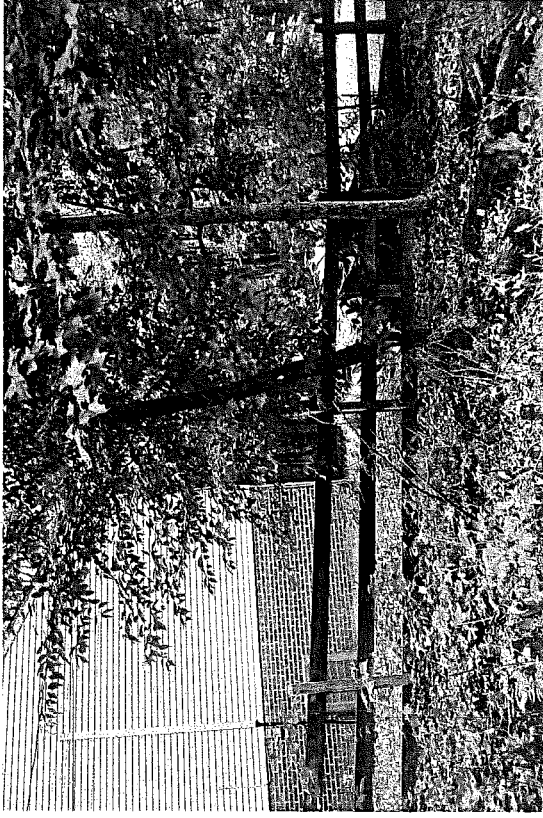
View from the front of the subject property. There are three homes in these two pictures—9204, 9200 and 9134 Weant Drive, although 9204 is not easily visible through the foliage.



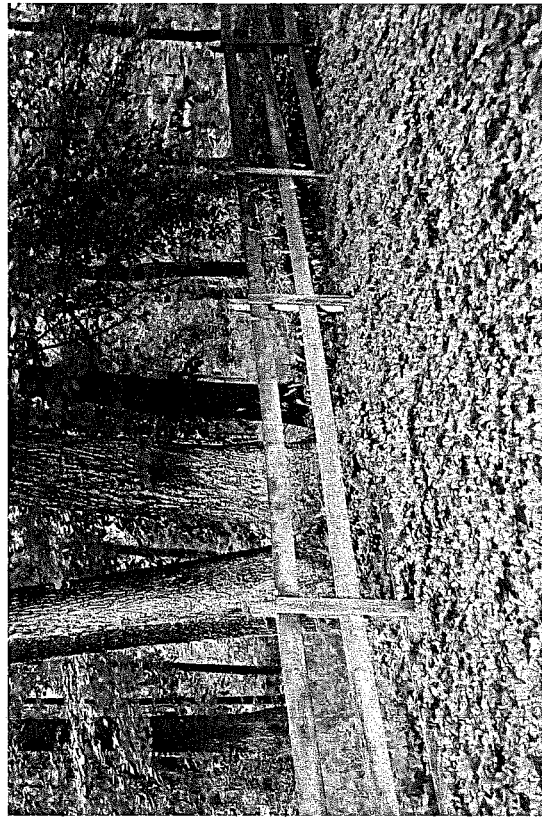
View from the front of the subject property. There are three homes in these two pictures—9204, 9200 and 9134 Weant Drive, although 9204 is not easily visible through the foliage.

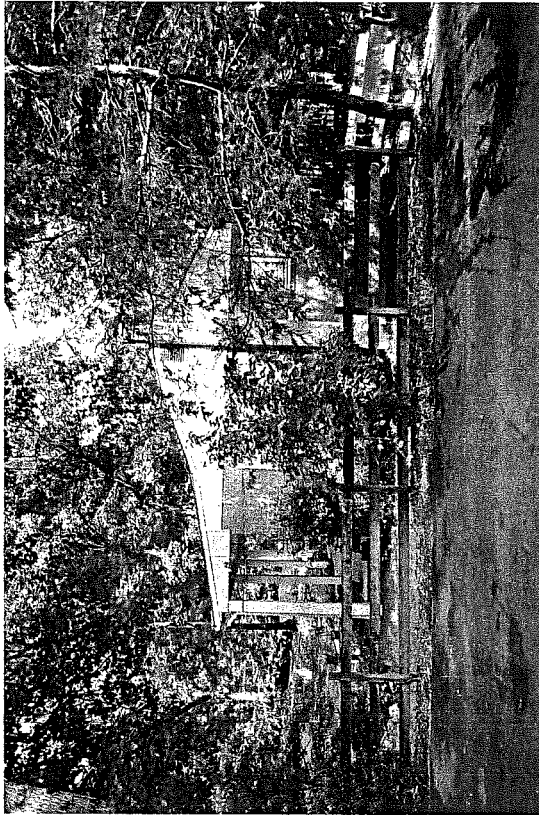


View of the west side of the subject property. The fence in these pictures is located just inside the property line of the subject property.

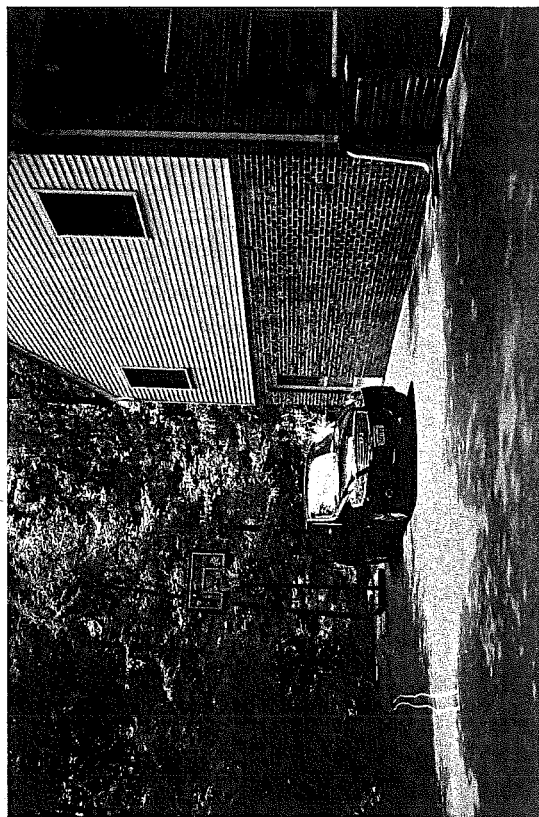


View from the west side of the subject property. There is no home located on the lot immediately adjacent to the subject property (9205 Weant Drive). The lot is owned by Mrs. Peters, who resides at 9209 Weant Drive (the closest house in left picture).





The picture on the left is a view of the east side of the subject property. The fence in the picture is located just inside the property line of the subject property. The picture on the right is a view from the east side of the subject property (house is 9135 Weant Drive).



The picture on the left provides a view from the front of the proposed garage looking toward Weant Drive. The picture on the right is taken of the location of the proposed garage. The approximate dimensions of the garage are drawn in chalk on the driveway.

DESCRIPTION OF THE APPLICATIONS

The applicant is seeking approval of two special permit requests. The first request is to permit a shed, 11 feet in height, to remain 17.1 feet from eastern side lot line.

Special Permit Request #1

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Shed	Eastern Side	20.0 feet	17.1 feet	2.9 feet	14.5%

* Minimum yard requirement per Section 3-E07

The second special permit request is to permit a garage addition, approximately 15.9 feet in height (19 feet to peak), to be constructed 10.1 feet to the eastern side property line.

Special Permit Request #3

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Eastern Side	20.0 feet	10.1 feet	9.9 feet	49.5%

* Minimum yard requirement per Section 3-E07

EXISTING SITE DESCRIPTION

The 23,546 square foot lot is currently zoned R-E and developed with a split level single detached dwelling constructed in 1973. A shed is located in the rear yard of the property near the southeast corner. A 198 square foot deck and a 260 square foot patio exist to the rear of the dwelling. A 160 square foot screened porch is located underneath the deck. A slate walkway is located just south of the patio and the screened porch. A hexagon shaped planter exists in the rear of the property. An asphalt driveway that exists along the eastern property line provides access to Weant Drive. A wooden walkway extends from the driveway to the front door of the house. A three foot wooden retaining wall is located along the western side of the driveway. A four foot high wood slat fence is located along the western, southern and eastern property lines. The yard is well manicured and contains mature trees and shrubs.

CHARACTER OF THE AREA

	Zoning	Use
North	R-E	Single-Family Dwellings
East	R-E	Single-Family Dwellings
South	R-E	Single-Family Dwellings
West	R-E	Single Family Dwellings

BACKGROUND

Department of Tax Administration records indicate that the two story brick single-family detached dwelling was constructed in 1973.

Following the adoption of the current Ordinance, the BZA has heard the following variance applications in the vicinity of the application parcel:

- Variance VC 86-D-085 was approved on February 11, 1987, for Tax Map 8-4 ((3)) 12, zoned R-E, at 9209 Weant Drive, to allow construction of a garage addition and screened porch to dwelling 12 feet from side lot line.
- Variance VC 94-D-152 was denied on April 27, 1995, for Tax Map 8-4 ((3)) 16, zoned R-E, at 9225 Weant Drive, to permit construction of addition 6.3 feet from side lot line.
- Variance VC 99-D-088 was approved on November 3, 1999, for Tax Map 8-4 ((3)) 16, zoned R-E, at 9225 Weant Drive, to permit construction of addition 6.3 feet from side lot line.
- Variance VC 99-D-120 was approved on December 8, 1999, for Tax Map 8-4 ((3)) 30, zoned R-E, at 9201 Weant Drive, to permit the construction of addition 8.1 feet from side lot line.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. Staff believes by observation of the neighborhood through submitted photographs and through aerial images that the addition will not adversely affect the use or development of neighboring properties. The general character of the residential neighborhood is single family dwellings. The proposed garage addition is of a similar style to the existing home on the property and other single family dwellings in the neighborhood.

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 1407.8 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2110.5 square feet in size for a possible total square footage at build out of 3,517.5 square feet. The proposed garage addition is approximately 496.01 square feet in size, for a total square footage of the house, with the addition, of 1903.9 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed garage addition and will be compatible with the existing structure. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure. The garage is proposed at 19 feet to peak; the existing house is 22.5 feet to peak. Staff believes the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the garage addition is modest in size and scale and will not impact the use and/or enjoyment of adjacent properties. Staff believes that the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the proposed structure; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The eastern side yard would be an adequate location for a proposed garage as there is already an existing asphalt driveway on the eastern side of the house. The eastern property line is 29.4 feet from the dwelling and the western side property line is 20.5 feet from the dwellings. Therefore, the proposed garage addition is in the most logical place on the property. Additionally, the property is zoned R-E, which under today's Zoning Ordinance requires a minimum lot size of 75,000 square feet. The subject property is only 23, 546 square feet in size, so it is considerably smaller than most similarly zoned lots, further decreasing the area available for any additions to be constructed. No trees will be removed with the construction of this garage. Other issues of steep slopes, floodplains, wells, easements and preservation of historic resources are not applicable to this site. Therefore, staff believes that the application meets this provision.

CONCLUSION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2012-DR-073 for the garage, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

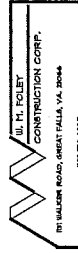
1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2012-DR-073****January 9, 2013**

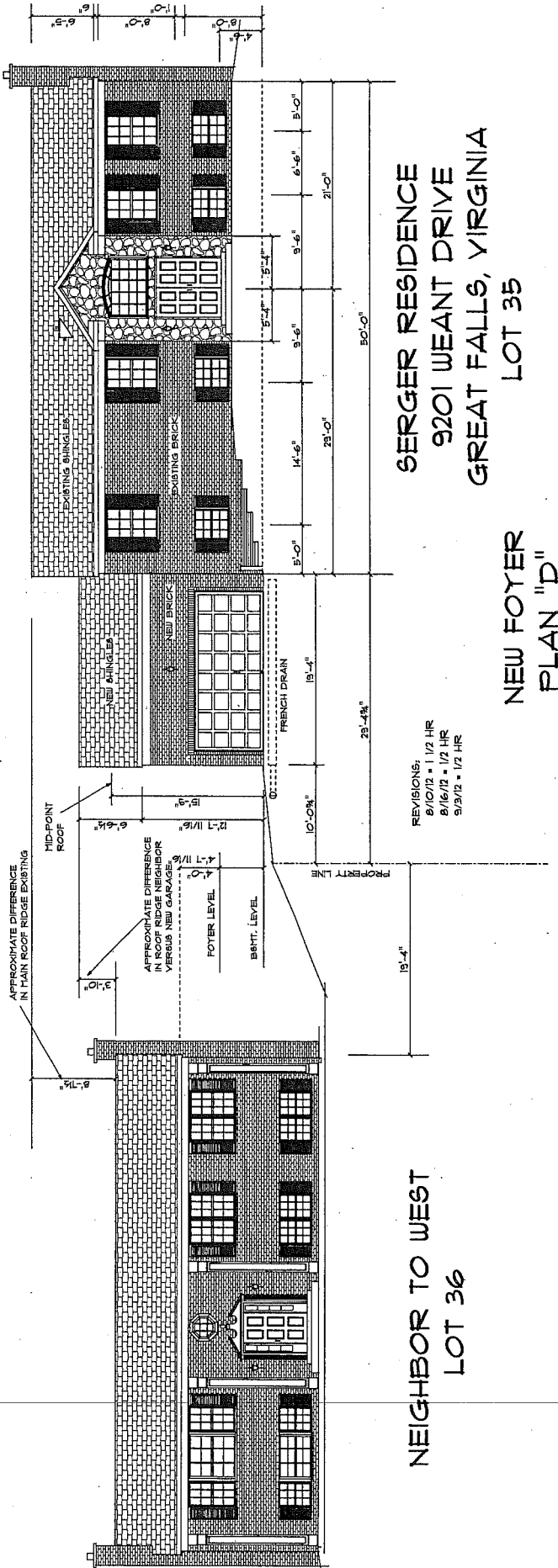
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the garage addition and shed located as shown on the special permit plat, prepared by B.W. Smith and Associates, Inc., dated August 2, 2012, revised through September 11, 2012, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1407.8 square feet existing + 2110.5 square feet (150%) = 3,517.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



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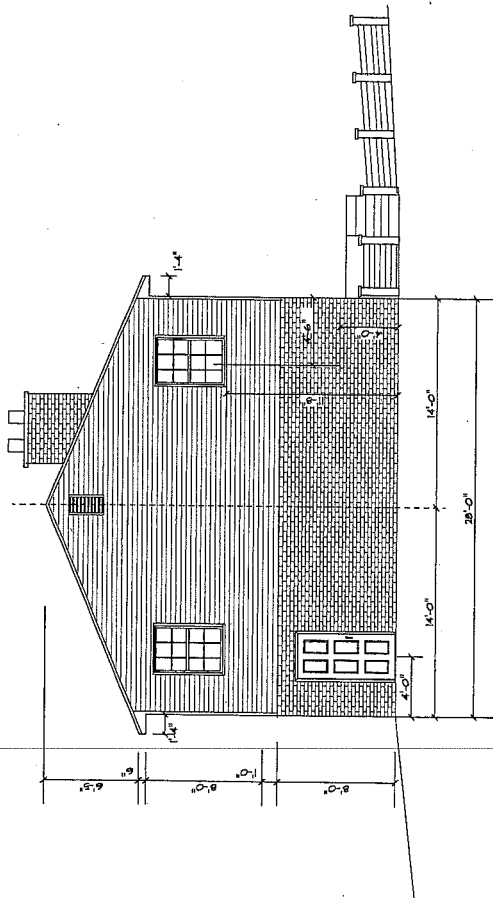


NEW RELATIONSHIP
 BETWEEN HOMES

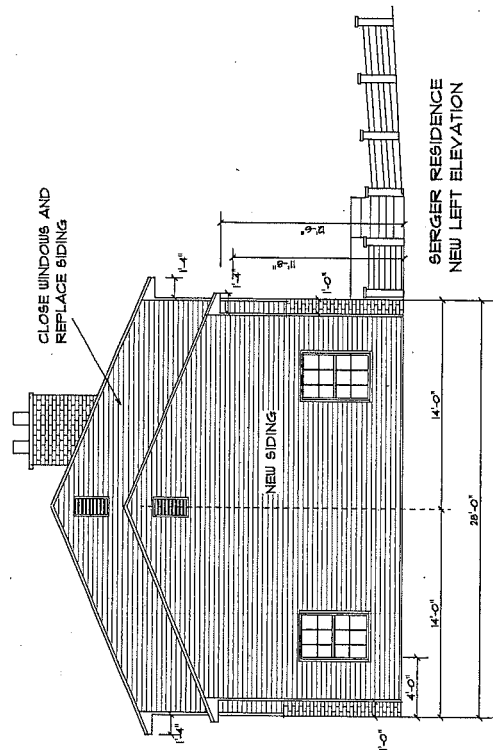
SCALE AT 1/4" X 1/4"
 1" = 1'

SHEET ____ OF ____

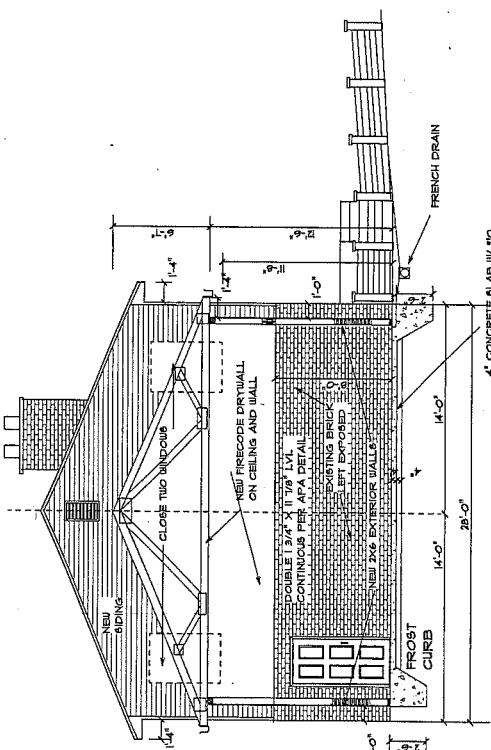
RECEIVED
 Department of Planning & Zoning
 OCT 17 2012
 Zoning Evaluation Division



SERGER RESIDENCE
AS-18 LEFT ELEVATION

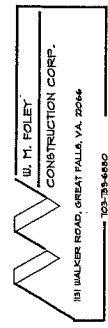


SERGER RESIDENCE
NEW LEFT ELEVATION



SERGER RESIDENCE
NEW SECTION A/A

REVISIONS:
8/6/12 = 1.5 HRS
8/7/12 = 1 HR
8/8/12 = 1/2 HR
8/9/12 = 1/2 HR



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RECEIVED
Department of Planning & Zoning
OCT 17 2012
Zoning Evaluation Division

Application No.(s):

SP 2012-DR-073

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/27/2012

(enter date affidavit is notarized)

I, Carl A. Serger, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

117936

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS**, and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE**,** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Carl A. Serger	9201 Weant Dr, Great Falls, VA 22066	Applicant/Title Owner
Suzanne M. Serger	9201 Weant Dr, Great Falls, VA 22066	Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP 2012-DR-073

(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/27/2012

(enter date affidavit is notarized)

117936

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
N/A

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

N/A

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

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DATE: 7/27/2012
(enter date affidavit is notarized)

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1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)
N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2012-D12-073

(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/27/2012

(enter date affidavit is notarized)

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1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2012-DR-073

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/27/2012

(enter date affidavit is notarized)

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3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

Carl A. Serger, Applicant

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 27 day of JULY 2012, in the State/Comm. of MARYLAND, County/City of ROCKVILLE.

My commission expires: 8/27/2013

Notary Public

Special Permit Statement of Justification

October 15, 2012

Subject Property: 9201 Weant Drive
Great Falls, Virginia 22066
Tax Map #0084-03-0035

We are requesting that the Board of Zoning Appeals permit the reduction of certain yard requirements to allow construction of an attached garage within 10 feet from the side lot line, a 50% reduction in the minimum side lot line under the current zoning for the property.

We intend to make improvements to our home to enhance its usability and appearance. The centerpiece of the planned improvements will be the construction of an attached garage. However, the construction of the garage cannot be made without extending construction past the minimum side yard requirements.

Our property is zoned RE – Residential Estate (1 dwelling unit per 2 acres) – but is only 0.5405 acres in area. With a width of only 100 feet, it is relatively narrow given that side yard setbacks for RE-zoned lots are 20 feet (40 feet in aggregate). Due to the location of our well in the front yard and septic field in the back yard we are unable to locate a garage anywhere on our property that would not require a variance to the zoning requirements. We believe the proposed location represents the best and only location available on our property.

The purpose for the proposed garage is to have a secure closed space in which to store bicycles, maintain a small hobby workshop and store our cars. The proposed garage would be located where there is currently an asphalt driveway where we park our vehicles. The proposed garage would be similar to many found in neighborhoods throughout Fairfax County and would not be out of character for those in our neighborhood. We believe the planned improvements will not be a detriment to adjacent properties and will complement the existing architecture of our home and those of our neighbors' homes.

The resulting gross floor area of the proposed garage will be 496 square feet, or 35.4% of the total gross floor area of the existing structure.

The proposed garage is the first expansion request for this property. Except for the side yard setback which is the subject of this special permit request, the proposed garage is intended to conform to the provisions of all applicable ordinances, regulations and adopted standards.

There are no known hazardous or toxic substances located on the property and none are anticipated being located on the property as a result of the proposed renovation. No portion of our existing home is to be removed and no significant trees will be damaged or removed through this process. We expect to retain the current asphalt driveway, except where it will be replaced with the proposed garage.

We also request that the Board permit the reduction of certain yard requirements for an existing 11 foot tall shed on our property. The shed is located in our back yard, 17.3 feet from the side lot line and 10.6 feet from the back lot line. The minimum yard requirements for a shed of this height are 20 feet from the side lot line and 11 feet from the back lot line.

The shed existed in its current location when we purchased the property in 1994, and has appeared on the real estate tax map at least since that time. We do not know the exact date of construction, but believe that the shed was constructed by the first homeowner, sometime between 1973 and 1989. While we do not know why the shed was constructed closer to the side and rear lot lines than the zoning ordinance allows, we were unaware of this noncompliance when we purchased the home. We first became aware of the noncompliance during the special permit application process.

We do not believe that allowing the reduction in the minimum side or back yard requirements with respect to this shed will impair the purpose of the Ordinance, nor do we believe it will be detrimental to the use and enjoyment of other property in the immediate vicinity. Furthermore, we do not believe it has created or will create an unsafe condition with respect to other properties or public streets.

Although we have kept the shed in good repair, we are concerned that any attempt to relocate it in order to comply with the minimum yard requirements could severely damage or destroy the shed, necessitating its complete reconstruction.

The reduction in minimum yard requirements for the shed will not result in an increase in the density or floor area from that permitted by the applicable zoning district regulations.

Historically, the Board has permitted the reduction of side yard requirements for other lots in the Weant subdivision when such reductions were found not to be detrimental to the adjacent properties. The Board's approval is being sought to permit the reduction of certain yard requirements to allow construction of an attached garage and to allow for an existing shed which was built too close to the side and rear property lines. We believe the requested reduction in the yard requirements will not impair the purpose or intent of the Ordinance and will not be detrimental to the use and enjoyment of the properties in the immediate vicinity. We thank the Board for their consideration in this matter.



Carl A. Serger

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914

Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.